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Minutes of the Commission Meeting Held on July 9, 2009 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: (P = Present; A = Appointed; E = Elected)

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| P James Athearn (E – Edgartown) | P Ned Orleans (A – Tisbury) |
| P Bill Bennett (A- Chilmark) | - Jim Powell (A – West Tisbury) |
| P John Breckenridge (A – Oak Bluffs) | P Camille Rose (A - Aquinnah) |
| P Christina Brown (E - Edgartown) | P Doug Sederholm (E – Chilmark) |
| P Peter Cabana (A – Tisbury) | - Casey Sharpe (A – Oak Bluffs) |
| - Martin Crane (A – Governor Appointee) | P Linda Sibley (E – West Tisbury) |
| P Carlene Gatting (County Appointee) | P Holly Stephenson (E – Tisbury) |
| P Chris Murphy (A – Chilmark) | - Andrew Woodruff (E – West Tisbury) |
| - Katherine Newman (A –Aquinnah) | |

Staff: Mark London (Executive Director), Paul Foley (DRI Analyst/Planner), Jo-Ann Taylor (Coastal Planner/DCPC Coordinator), Bill Veno (Senior Analyst)

The meeting was called to order at 7:35 p.m.

1. EXECUTIVE DIRECTOR'S REPORT

Mark London reported that the draft Island Plan will be released by the end of July. We should plan on an opportunity for Commissioners to discuss the draft with Steering Committee members.

2. DRI CHECKLIST

Commissioners present: J. Ahearn, B. Bennett, J. Breckenridge, C. Brown, P. Cabana, C. Gatting, C. Murphy, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson

Christina Brown explained that the Department of Environmental Affairs had some questions about wind turbines having been added to the DRI Checklist without the inclusion of criteria.

Linda Sibley gave the LUPC report.

- LUPC unanimously recommended removing Section 8.2 on wind turbines from the revised checklist so that the other parts can go forward.
- LUPC also unanimously recommended to the full Commission that a working group be established to outline the process and to produce a plan for siting and building wind turbines on Martha's Vineyard. The working group should be made up of Commission members and staff and could involve the use of a consultant.

Christina Brown explained that Department of Environmental Affairs also questioned Section 5.1C about wind turbines being within three miles of shore. This was merely a clarification of the limits of MVC jurisdiction, but for now, LUPC recommended removing the part in Section 5.1C that says “within three miles of shore” as well.

Linda Sibley moved, and it was duly seconded, to make the above-listed changes.

- **Jim Athearn** asked for, and received, reassurance that the Commission may send changes to the checklist at any time.

A voice vote was taken. In favor: 11. Opposed: 1. Abstentions: 0. The motion passed.

Doug Sederholm stated that he’s opposed because he doesn’t necessarily agree with the approach of the State. The Island has a strong interest in the wind issue. It’s a symbolic no. He’s very concerned about the trend to take the decision-making away from the people who have to live with the result. Placing the decision-making power in the hands of the Energy Facility Siting Board is like putting the fox in charge of the hen house.

Linda Sibley said that the Commission will be in a much stronger position in a few months with both the Island Plan, a wind turbine siting plan, and Checklist wording that parallels these items.

Christina Brown reiterated that the Vineyard and Commission needs a plan for siting and reviewing turbines.

- The Wind Energy Facilities Siting Reform Act is still in draft stages of being considered by the House and Senate.
- The Act was developed by the Patrick Administration and Ian Bowles, Secretary of Energy and Environmental Affairs.
- The intention of the Act is to streamline large wind projects and it would allow the state siting board to allow large commercial turbines.

Mark London explained that the purpose of the working group would be to develop the wind energy siting standards for Martha’s Vineyard to, at the very least, deal with utility scale installations and installations with regional impact, and possibly address all turbines.

- Step one would be to talk to the towns and come up with some siting principles and standards that could be used across the Island. We have preliminary information on wind speed, and it would be desirable to gather additional information, if possible.
- GIS mapping and data layers could be used to identify areas and develop criteria and standards.
- The Vineyard standards could relate to statewide siting standards, but could also include additional standards that are important here.
- The final standards could include certain minimal standards that have to be met as well as certain areas on the Island that are clearly acceptable.

Christina Brown explained that the State Act and the Commission both look at resources to be protected: ecological, wetlands, bird flights. However, the State list of resources doesn’t include historic and recreational effects.

- Commission staff has already begun gathering information and making maps based on various factors.
- The working group will report back in six months.

Chris Murphy said this is clearly a power grab at the State level. It's a question of who has the final say. We probably would all agree on what the project might be. It's a question of who has the ability to veto it in the end.

- The project belongs to the community in which the project is being done.
- He believes the Commission needs to figure out how to fight this at the State level instead of rolling over and just saying we'll make our own rules for the smaller ones.
- He added that if the Commission were going to vote to spend time, energy and money on doing something, he would rather put energy into fighting something at the state level than drawing up a plan that might be useful to us in the future.

Mark London said that if the Commission's plan could be the tool to allow the Island to avoid having a state standards imposed on it.

Ned Orleans said, given the way the State functions, the Commission's plan better be what the State wants in the first place, which brings us back to Chris's point.

Mark London pointed out that given the size, landscape, and development of the Island, it may be difficult to find appropriate sites for wind on the Island, but there apparently are waters that have a lot of energy potential.

3. DRAFT OCEAN MANAGEMENT PLAN

Commissioners present: J. Ahearn, B. Bennett, J. Breckenridge, C. Brown, P. Cabana, C. Gatting, C. Murphy, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson

Jo-Ann Taylor explained that the Ocean Act has been law for a year. This is a draft Ocean Plan. There will be five public hearings scheduled in September. Then the plan will be adopted by the end of the year.

- There are strong political pressures to develop renewable energy, particularly wind.
- She reminded the Commissioners to keep on top of the pending land-based legislation regarding the Energy Facilities Siting Board.
- The Ocean Plan manages the opening up of the Ocean Sanctuaries Acts for development. There is still opportunity to tailor the Ocean Plan to our needs, whereas the Oceans Act would be much more difficult to amend.
- The plan is based on principles which the Ocean Advisory Commission has come to call the Oceans 15, including: preserve and protect the public trust, reflect the importance of the waters to the Commonwealth to persons who derive livelihoods and economic benefits from fishing, etc.
- The Plan is based on a lot of data.
- Raw data shows that Martha's Vineyard has wind and not much obstruction.
- The Plan created an Ecological Valuation Index (EVI) based on a combination of factors. The waters to the west, south, and east of Martha's Vineyard generally do not have a high value EVI.

- Commercial Wind Energy Areas would accommodate wind farms of more than ten turbines. Two areas are designated in the Plan, off of Noman's Land and off of Cuttyhunk. These projects must provide a direct economic benefit to the community.
- Community wind is a project with ten turbines or less, is supported by the community, and provides a direct economic benefit. There are allowed in the Multi-Use Area (state waters other than the two Wind Energy Areas and the waters off the Cape Cod National Seashore) as well as in the Wind Energy Areas. The Plan proposes ten community turbines per coastal region, to be allocated by the regional planning agency.
- Jo-Ann is a member of the Oceans Advisory Commission. The OAC review the data and public input. There was a lot of cordial but frank discussion, but there was a lot of pressure on the board to develop wind.
- The draft proposal puts Martha's Vineyard in a better position, compared to where it could be in light of what the raw data shows, which could be interpreted to mean that the entire south shore of the Vineyard could be designated for commercial sale wind farms. There is some advantage in concentrating the facilities in two clusters, as proposed in the draft plan.
- The Commonwealth is suggesting that since the Commonwealth is defining these spots, the federal government might look at designating the adjacent areas which would allow sharing the cables to bring the electricity to the grid. The Ocean Plan doesn't indicate how power would come ashore or address the possibility of overhead transmission lines. But it would make sense for underwater transmission lines to go to New Bedford and there is an area designated as a cable area leading to New Bedford.
- There is data and a map related to sand and gravel.
- Eel grass areas and highly complex ocean floors are excluded for sand and gravel mining.
- Vineyard commercial fisherman participated in interviews to find out where commercial fishermen actually go.
- If there are things in the Plan that the Vineyard thinks are good and should be retained, we should make this clear. There will be a lot of pressure to expand the commercial areas which is currently 2% of the planning area.
- There has been a lot of attention to the resources, but there is a lot of pressure to develop wind and tidal.

Ned Orleans asked about the phrase "acceptable to the community" and the definition of the community in that context. **Jo-Ann Taylor** said according to the plan 'community' is open-ended, as is "community benefit".

Doug Sederholm asked how many square miles is covered by the commercial area. **Jo-Ann Taylor** will calculate [subsequently found to be about 40 square miles].

Linda Sibley asked about community wind. **Jo-Ann Taylor** explained that, if the Ocean Plan is adopted, community wind is limited to ten turbines. If MVC wants the number to increase, MVC could campaign for it, in comments on the draft plan.

Linda Sibley asked whether there is a provision for the three regions to do a community wind project together and share infrastructure. **Jo-Ann Taylor** explained that originally each coastal

community might develop their own project, but the committee agreed that it made sense for each planning group to develop community wind up to ten turbines. At this time, there isn't a provision for a multi-agency project for community wind.

Peter Cabana explained there are some net metering regulations that may limit the amount of power a municipality may produce.

Carlene Gating asked if Jo-Ann had a sense of the reliability of the data.

Jo-Ann Taylor explained that there is a varying degree of reliability in the data.

- Within the year that they've been working on the Plan, it's only been possible to mine existing data.
- As new data becomes available, it will be included, even after the Plan is adopted. There is a procedure for including new data in the Plan.
- There was a reaction by Vineyard birders that there wasn't much data included in the Plan.

Mark London said information on the migratory flyway along the East Coast should be tracked down.

Holly Stephenson asked about the ten windmills per community that could be determined by the regional planning agency. She asked whether ten is the limit and whether the Energy Facilities Siting Board can determine the size and location of the project.

Jo-Ann Taylor explained that the Energy Facilities Siting Board gets involved at the end of the process. If someone is unhappy with a final proposal they could appeal to the Board if the scale of the project surpasses the threshold for EFSB review [currently 100 megawatts]. Any proposal and any Energy Facilities Siting Board action have to follow the Ocean Plan.

Jo-Ann Taylor said man-made islands have not been discussed. Aquaculture and pipelines were discussed.

Doug Sederholm asked if the commercial wind area were to be increased would they be beside the expansion of the currently proposed areas. **Jo-Ann Taylor** explained that there are other promising areas but more data needs to be gathered.

Camille Rose asked if the federal government had been consulted about Noman's Land, as they manage the wildlife refuge on Noman's. **Jo-Ann Taylor** explained that the federal government was consulted to the degree that the Cape Cod National Seashore is excluded; she is unaware whether they were consulted about Noman's.

Peter Cabana said he had asked about the federal areas being used for water development and whether those areas could be superimposed on the Ocean Plan map. It would be worth the effort to find out how the federal designated areas fit with the state plan.

Mark London said Paul Pimentel of the Island Plan has been working up estimates of how much energy the Island would need. His estimate, with increases in efficiency, is 30 to 40 turbines.

Peter Cabana said, with increased plug-ins for transportation, the Island will need more. The Island peak in the summer is at 50 megawatts. Paul Pimentel feels the Island will need 80

megawatts. Currently in Massachusetts, 75% of energy comes from burning fossil fuels. 18% comes from hydro and 7% from nuclear.

Mark London said a proposal of the Island Plan is to produce the equivalent of the electricity that the Island uses.

4. OTHER BUSINESS

4.1 Executive Director Report

Mark London reported that Bill Veno and he went to Cuttyhunk. Cuttyhunk is working on some planning work and staff is helping with a survey.

4.2 Chairman's Report

Christina Brown added that the Commission is working on modifications to the pending wind proposal before it gets to the floor of the Senate and House, modifications which are in line with Commission decisions.

Christina Brown reminded Commissioners that the parking lot is in a residential neighborhood and people should be quiet when leaving. Staff will look into what lights might be used to light the parking area. In the meantime flashlights are available.

4.3. Clerk/Treasurer

Ned Orleans reported that the finance committee met as a nominating committee and unanimously nominated John Breckenridge for Commissioners' consideration as treasurer.

Doug Sederholm nominated John Breckenridge as Clerk/Treasurer. There being no other nominations, Linda Sibley moved that the nominations be closed.

- **John Breckenridge** and **Commissioners** thanked Ned Orleans for his service.
- **John Breckenridge** thanked Commissioners and staff for working with a common purpose and added that he is proud of the Commission for the work it does.

Commissioners unanimously approved the election of John Breckenridge to the position of Clerk/Treasurer

The meeting adjourned at 9:10 p.m.

Chairman

Date

Clerk-Treasurer

Date